

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re TERRORIST ATTACKS on  
SEPTEMBER 11, 2001

**03 MDL 1570 (RCC)**

NOTICE OF MOTION

This document relates to:

*Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd., et al. (04 CV 7065)*

*Continental Casualty Co., et al. v. Al Qaeda Islamic Army, e. al. (04 CV 5970)*

*Euro Brokers, Inc., et al. v. Al Baraka Inv. & Dev. Corp., et al. (04 CV 7279)*

*New York Marine & General Ins. Co. v. Al Qaida, et al. (04 CV 6105)*

*Estate of John P. O'Neill, Sr. v. Al Baraka Inv. & Dev. Corp., et al. (04 CV 1923)*

*World Trade Center Prop., L.L.C., et al. v. Al Baraka Inv. & Dev. Corp., et al. (04 CV 7280)*

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law and all prior papers and proceedings herein, defendants Saleh Abdullah Kamel, Al Baraka Investment and Development Corp. and Dallah al Baraka, will move before the Honorable Richard Conway Casey, United States District Court for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, for the following relief:

- (a) dismissal of plaintiffs' Complaints pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted;
- (b) dismissal of plaintiffs' Complaints pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction;
- (c) and for any such further relief as the Court deems just and proper

Dated: October 24, 2005

Respectfully submitted,

/s/

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